

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KATE WEISSMAN, Plaintiff, v. UNITED HEALTHCARE INSURANCE COMPANY, UNITED HEALTHCARE SERVICE, LLC, AND INTERPUBLIC GROUP OF COMPANIES, INC. CHOICE PLUS PLAN, Defendants.	CIVIL ACTION NO. 1:19-cv-10580 Consolidated with 1:19-cv-12224; and Consolidated with 1:19-cv-12239 <u>CLASS ACTION</u>
RICHARD COLE, Plaintiff, v. UNITED HEALTHCARE INSURANCE COMPANY, Defendants.	CIVIL ACTION NO. 1:19-cv-12224
ZACHARY RIZZUTO, Plaintiff, v. UNITED HEALTHCARE INSURANCE COMPANY, UNITED HEALTHCARE SERVICE, INC., and THE HERTZ CUSTOM BENEFIT PROGRAM, Defendants.	CIVIL ACTION NO. 1:19-cv-12239

**JOINT DECLARATION OF PROPOSED CLASS COUNSEL IN SUPPORT OF
MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT**

We, Stephanie A. Casey, Richard T. Collins, Maria G. Garcia, Robert J. Neary, Lisa Kantor, and Tim Rozelle hereby declare as follows:

1. We are counsel of record for Plaintiffs Kate Weissman, Richard Cole, and Zachary Rizzuto and the putative settlement class in this action against Defendants UnitedHealthcare Insurance Company, UnitedHealthcare Services, LLC, Interpublic Group of Companies, Inc. Choice Plus Plan and The Hertz Custom Benefit Program (together, “Defendants”). We submit this Joint Declaration in support of Plaintiffs’ Motion and Memorandum of Law for Preliminary Approval of Class Action Settlement. (ECF No.s 114, 115.) The information set forth in this Declaration is based upon our personal knowledge and we could testify competently to such information if called upon to do so.

EXPERIENCE AND QUALIFICATIONS OF COUNSEL

2. Stephanie Casey is a partner at Colson Hicks Eidson (“CHE”), a Florida firm rated by Chambers USA as one of three “Band One” classification firms (the highest classification) in the State of Florida for “Litigation: Mainly Plaintiffs,” which recognized CHE as “a premier practice for plaintiff representation, with a deep bench of attorneys with enormous trial experience” and noted the firm’s significant expertise in class-action matters, including personal injury and product liability cases. CHE has sufficient resources, as well as a roster of talented attorneys and capable professional staff, to represent the best interests of the class. The firm has experience in managing intensive consolidated class actions and MDLs, including having members appointed to the Plaintiffs’ leadership structures in the 3M Combat Arms Earplug Products Liability Litigation, Takata Airbags Products Liability MDL, Toyota Unintended Acceleration MDL, and BP Oil Spill MDL. In each of these cases, the firm was expected to—and

did—contribute substantially in attorney time and in financial contributions for litigation costs. Ms. Casey is a member in good standing of the Bars of the State of New York, the District of Columbia, and the State of Florida. She has been practicing for over 15 years and has served in leadership positions in numerous class actions throughout the United States. Her qualifications, and those of CHE, are set out in detail in **Exhibit A**, attached hereto.

3. Richard T. Collins is a partner at Arnall, Golden, Gregory, LLP (“AGG”) who has been practicing law for 31 years. Along with his Associate, Landen P. Benson, they are counsel of record for two of the named Plaintiffs in this action, Kate Weissman and Zachary Rizzuto. AGG is an AmLaw 200 firm based in Washington, DC and Atlanta, Georgia. Mr. Collins and Mr. Benson have served as lead counsel for plaintiffs in multiple ERISA class actions and consolidated healthcare provider ERISA actions throughout the country. AGG’s healthcare practice is rated by Chambers USA a “Band One” classification (the highest classification) in the State of Georgia. AGG has served as lead plaintiffs’ counsel in MDLs including the *In Re: MultiPlan Health Insurance Provider* MDL. Mr. Collins is admitted to practice law in California and the District of Columbia. Mr. Benson is admitted to practice law in Georgia. Mr. Collins has been recognized by Best Lawyers in Insurance Law consecutively from 2021 through 2025 and was recognized as “Lawyer of the Year” for Insurance Law in 2023. Mr. Benson has been recognized by Best Lawyers, “Ones to Watch” in Health Care Law in 2024 and 2025. Their qualifications are set out in detail in **Exhibit B**, attached hereto.

4. Maria D. Garcia and Robert J. Neary are partners at Kozyak Tropin & Throckmorton (“KTT”), a Florida firm rated by Chambers USA as a “Band One” classification firm (the highest classification) in the State of Florida for “Litigation: Mainly Plaintiffs.” Chambers USA notes that KTT is “a go-to practice for large scale class actions and noted for its

expert counsel” and that it is “active across a range of sectors, including healthcare.” KTT was also recently named a “regional powerhouse” by Law360. The firm has experience in managing intensive consolidated class actions and MDLs, including a Co-Lead Counsel role in the *In re: Insulin Pricing Litigation* MDL and executive committee roles in the *In re: Apartment Rental Software Antitrust Litigation* MDL and the *In re: Blue Cross Blue Shield Antitrust Litigation* MDL. KTT has sufficient resources, as well as a roster of talented attorneys and capable professional staff, to represent the best interests of the class. Maria D. Garcia represents various health systems, hospitals, medical centers, physicians, and patients throughout South Florida. She has almost 15 years of experience representing her clients in both healthcare litigation matters and leading internal advisory matters. Maria is ranked in the area of healthcare law by Chambers USA, and has taught as an adjunct professor at the FIU College of Law focusing on health care law. She is a member in good standing with the Florida Bar and is admitted to practice in several district courts and the U.S. Supreme Court. Robert Neary has extensive experience in complex commercial litigation, class action lawsuits, antitrust law, ERISA, product liability, and consumer protection, among other areas. He represents both plaintiffs and defendants in a diverse array of cases, practicing in both state and federal courts, including trial experience in nationwide class action litigation. Robert’s litigation and class action experience runs the gamut including deceptive and unfair trade practices claims, antitrust claims, ERISA claims, to name a few. Robert is a member in good standing of the Florida Bar and has been admitted to practice in district courts across the country. KTT’s qualifications are set out in further detail in **Exhibit C**, attached hereto.

5. Lisa Kantor and Tim Rozelle are partners at the law firm of Kantor & Kantor, LLP. Kantor & Kantor is a law firm specializing in nationwide employee benefit and insurance litigation under ERISA and state law, including cases involving retirement, disability, health, and life

insurance benefits. The firm was ranked first in U.S. News' "Best Lawyers--Best Law Firms" for its legal advocacy in ERISA litigation in 2020, 2021, and 2022. The attorneys of Kantor & Kantor have unsurpassed experience in the ERISA field and have helped tens of thousands of participants in both individual and complex class actions obtain millions of dollars of benefits to which they are entitled and ensure the proper management and administration of their employee benefits plans. Kantor & Kantor attorneys are regular contributors to employee benefits treatises, journals, and other legal resources including the American Bar Association *Employee Benefits Law*, ABA newsletters, Law360, and are regular speakers at ERISA and other conferences across the country. The firm produces a widely distributed and frequently quoted weekly newsletter, *ERISA Watch*, that analyzes every ERISA decision issued that week. Mr. Rozelle has over a decade of experience representing medical providers, employees, and insured individuals in both federal and state court actions related to wrongful denial and underpayment of health benefits. He also handles bad faith insurance claims relating to long-term disability and long-term care insurance. His extensive litigation background includes individual, class action, and complex litigation cases, particularly those challenging insurer benefit denials involving cancer treatments, expensive prescription medications, and surgical procedures. Recognized by Best Lawyers: Ones to Watch in Insurance Law consecutively from 2021 through 2023, Mr. Rozelle is admitted to practice law in California and the District of Columbia. The qualifications of Lisa S. Kantor are set forth in the Declaration of Lisa S. Kantor, filed concurrently. The qualifications of Kantor & Kantor are set out in detail in **Exhibit D**, attached hereto.

COUNSEL'S INVESTIGATION OF THE CLAIMS AND LITIGATION OF THIS ACTION

6. Before filing any complaint in this case, CHE, AGG, Kantor & Kantor, and KTT performed substantial work to identify and investigate the class action claims in this case. Our pre-

filings investigation included communications with the named Plaintiffs; reviewing named Plaintiffs' medical records, denial letters, and appeals; consulting with experts regarding proton beam radiation therapy ("PBRT"); conducting legal research concerning the claims that should be brought; and drafting and filing the class action complaints.

7. Plaintiff Kate Weissman filed her class action complaint on March 26, 2019, in the District of Massachusetts (ECF No. 1); Plaintiff Richard Cole filed his complaint in the Southern District of Florida on April 3, 2019 (the "*Cole Action*"); and Plaintiff Zachary Rizzuto filed his complaint in the Middle District of Florida on September 19, 2019 (the "*Rizzuto Action*").

8. The *Cole Action* was transferred to the District of Massachusetts on October 28, 2019, and the *Rizzuto Action* was transferred to the District of Massachusetts on October 30, 2019. The *Cole* and *Rizzuto* matters were subsequently consolidated with the *Weissman* case and a Consolidated Amended Complaint was filed on May 15, 2020. (ECF No. 41).

9. Following the consolidation of the class cases, Plaintiffs' counsel vigorously litigated the case on behalf of the putative class, including successfully opposing Defendants' motion to dismiss the consolidated class action complaint (ECF Nos. 46, 47, 57).

10. Thereafter, the Parties engaged in extensive discovery relating to the denial of Plaintiffs' and class members' PBRT coverage requests and UnitedHealthcare's PBRT Medical Policy, among other things. Plaintiffs served sixty-nine requests for production and twelve interrogatories on Defendants; and Defendants served 25 requests for production and 13 interrogatories to the named Plaintiffs. The Parties exchanged approximately 38,000 pages of documents. Plaintiffs also served six subpoenas to various non-parties.

11. The Parties engaged in numerous, lengthy conferrals in connection with the discovery identified above. All of the Parties' disputes were resolved without Court intervention, which served to conserve the time and resources of the Parties and the Court.

12. Plaintiffs worked with their experts to review the thousands of pages within the Plaintiffs' administrative records and other discovery, and the Parties worked through various issues with the production of medical records.

13. On January 31, 2023, Plaintiffs took the deposition of UnitedHealthcare's Rule 30(b)(6) corporate representative.

14. Discovery-related work therefore included: preparation of document requests, interrogatories, and subpoenas; responding to discovery requests from Defendants; extensive and multiple written and telephonic meet and confers with Defendants; review of thousands of pages of documents produced in this litigation; consultation with experts regarding the factual and legal issues in this case; preparing to take depositions of Defendants' witnesses; and ultimately taking the Rule 30(b)(6) deposition.

MEDIATION AND SETTLEMENT NEGOTIATIONS

15. On May 11, 2023, the Parties agreed to participate in mediation to attempt to resolve this matter. The Parties filed a joint motion to stay the deadlines to allow them to engage in a mediation session with a well-respected, experienced ERISA mediator, Ed Oster.

16. Prior to the mediation the Parties submitted to the mediator detailed confidential mediation briefs laying out their respective positions on the merits of the case and settlement.

17. The Parties held in-person all-day mediation sessions on July 18, August 29, October 2, and December 20, 2023, in Los Angeles, California at the Judicate West mediation

offices. The Parties made progress at each session and continued with remote mediation sessions and communications with the assistance of Mr. Oster.

18. Defendants produced additional records in connection with the mediation to help inform the negotiations and facilitate settlement.

19. The Parties expended significant efforts in negotiating and ironing out the numerous details of the Settlement in addition to formal mediation. Following the mediation, the Parties continued to work together to finalize the Settlement's terms.

20. On January 21, 2025, the Parties notified the Court that they had reached an agreement in principle to resolve all three of the consolidated matters. (ECF No. 108). The Parties subsequently exchanged drafts of the Settlement Agreement and its exhibits.

21. On May 9, 2025, the Parties executed the Settlement Agreement.

22. The Parties did not negotiate attorneys' fees or Plaintiffs' service awards before reaching an agreement on the terms of relief for the Class.

23. The Settlement is the result of intensive, arm's-length negotiations between experienced attorneys who are familiar with class-action litigation and with the legal and factual issues of this case.

24. After the parties reached an agreement in principle, counsel for the Plaintiffs sought bids from four experienced class action administrators to serve as the Court-designated administrator for this settlement. Each bidder prepared extensive documentation of its experience and proposals for how to manage this Settlement, as well as estimates of costs for data acquisition, notice, and claims processing. Based on the bidders' stated experience, proposed services, and estimated costs, as well as on all parties' counsels' experience with settlement administration and these particular claims administrators, the parties selected Rust Consulting, Inc. to serve as the

Settlement Administrator, Claims Administrator, and Notice Provider. Rust estimates that the total administration and notice charges in this matter will be approximately \$32,000.

25. The Notice Plan and the documents comprising the Class Notice were negotiated and refined with input from Rust, to ensure that these materials will be clear, straightforward, and understandable by Class Members, and that they fully comply with due process, CAFA, and all requirements of Rule 23.

26. UnitedHealthcare has identified records of 90 individuals who submitted post-service claims for PBRT and another 150 individuals who had their pre-authorization coverage requests denied. All of these individuals will receive notice of the settlement. The Parties are incapable of determining if all of the individuals actually went forward with PBRT treatment at their own expense or pursued some other type of treatment. They will, however, still receive notice of the settlement and have the ability to provide proof of medical expenses for PBRT treatment.

FAIRNESS AND REASONABLENESS OF THE SETTLEMENT

27. Based on Plaintiffs' counsel's experience, familiarity with every material aspect of this case, and when weighing the risks of continued litigation, the proposed Settlement is fair, adequate, and reasonable, and is in the best interests of Plaintiffs and putative Class Members.

28. The Settlement, if approved, would resolve all class claims against Defendants on behalf of individuals covered by an ERISA-governed plan issued or administered by Defendants, whose pre-certification request(s) or post-service claim(s) for PBRT for the treatment of prostate cancer, primary central nervous system cancer, or cervical/gynecological cancer were denied between March 26, 2016 and August 28, 2023 for clinical reasons.

29. The Settlement provides Class Members with reimbursement of out-of-pocket medical costs for the payment of PBRT treatment in an amount up to \$75,000. All reimbursement

claims for Class Members are subject to an aggregate cap of \$6.75 million. If this aggregate cap is met, then each class member who submitted an approved reimbursement claim will share in the recovery on a *pro rata* basis. Class Members filing claims under the Settlement for their medical expenses will not have to demonstrate medical necessity for the PBRT treatment, only that they incurred the out-of-pocket medical expenses.

30. At this time, the exact amount each Class Member paid out-of-pocket for his or her PBRT treatment is unknown. Discovery and discussions with Plaintiffs' experts confirmed that patients will pay per dosage of PBRT and not one set price for the PBRT treatment. The dosage amount is determined by a patient's oncology team and varies from patient to patient. In addition, costs of PBRT can vary per provider.

31. The Settlement also provides valuable injunctive/equitable relief in the form of revisions to UnitedHealthcare's PBRT medical policy that Plaintiffs believe will make it easier for patients to have their requests for PBRT coverage approved, as described in the Declaration of Lisa Kantor.

32. In considering whether to enter into the Settlement, Plaintiffs and Counsel considered the significant risks of proceeding with the litigation, including the risks of securing class certification, establishing liability, proving damages at trial, and the likely duration of post-trial motions and appeals. Even if Plaintiffs prevailed at trial, and any appeals were resolved in Plaintiffs' favor, payment to Class members would likely be delayed for several years.

33. Despite strong belief in the merits of this litigation and likelihood of success at trial, undersigned counsel nonetheless believe that the Settlement benefits to Plaintiffs and the putative Class substantially outweigh the risks of continuing to litigate the claims—namely, the delay that would result before Plaintiffs and Class Members receive any benefits should the action proceed

to trial; the possibility of a negative outcome at trial; and the possibility of a negative outcome post-trial should Defendants appeal a judgment in favor of the putative Class. This Settlement provides significant benefits now and is in the best interests of all putative Class Members.

34. The proposed Class Representatives have shown that they are well-suited to represent the Settlement Class, have actively participated in the litigation, and will continue to do so. They do not have any conflicts of interest with the absent Class Members, as their claims are typical and coextensive with those of the Class Members.

35. Plaintiffs have remained in contact with counsel throughout the litigation and have been actively involved in the litigation, including: assisting in the investigation of the claims; providing medical records, denial letters, and appeal letters, as well as other documents responsive to Defendants' requests; answering discovery requests and interrogatories; keeping in close contact with counsel to monitor the progress of the litigation; attending mediation sessions; and reviewing and communicating with counsel regarding the Settlement. Each Plaintiff put their name and reputation on the line for the sake of the Class and bravely came forward and made their cancer diagnosis and cancer treatment journey public. The recovery would not have been possible without their efforts.

36. During the Settlement negotiations process, the Parties deferred any discussion concerning the Service Payments to be sought by the proposed Class Representatives until after reaching an agreement on all material terms of the Settlement.

37. Counsel will request class representative service awards to Plaintiffs in an amount of up to \$25,000 each. Counsel believes this is a modest payment for the risk and services undertaken by each Plaintiff, as well as the benefit conferred on the Class as a result of each Plaintiffs' efforts. However, no Plaintiff was promised, nor conditioned their representation on the

expectation of, a service award. Defendants have agreed not to oppose Counsel's application for a \$25,000 service award for each class representative.

38. Likewise, during the Settlement negotiations process, the Parties deferred any discussion concerning the maximum attorneys' fees and reimbursement of costs to be sought by counsel until after reaching an agreement on all material terms of the Settlement. All negotiations were conducted at arm's length, in good faith, free of any collusion, and under the supervision of Mr. Oster. Defendants have agreed not to oppose Counsel's application for a payment of \$2,000,000 for attorney's fees and costs. Further, Defendants agree that Class Counsel may seek an additional \$500,000 for fees and costs—for an overall request of up to \$2,500,000—but reserve the right to oppose the additional \$500,000 should they wish to do so.

39. Thus, Counsel will request the payment of reasonable attorneys' fees and costs in an amount not to exceed \$2,500,000. Presently, litigation costs include court reporter and videographer fees, expert fees, mediation fees, and general litigation costs.

We each declare under penalty of perjury that the foregoing is true and correct.

Executed on May 9, 2025.

/s/: Stephanie A. Casey
Stephanie A. Casey
Colson Hicks Edison, P.A.

/s/: Richard T. Collins
Richard T. Collins
Arnall Golden Gregory LLP

/s/: Robert J. Neary
Robert J. Neary
Kozyak, Tropin & Throckmorton LLP

/s/: Maria D. Garcia
Maria D. Garcia
Kozyak, Tropin & Throckmorton LLP

/s/: Lisa Kantor
Lisa Kantor
Kantor & Kantor LLP

/s/: Tim Rozelle
Tim Rozelle
Kantor & Kantor LLP

EXHIBIT A



STEPHANIE A. CASEY

Stephanie A. Casey is a partner at the law firm of Colson Hicks Eidson in Coral Gables, Florida, with over 15 years of experience . She joined the firm in 2012. Colson Hicks Eidson specializes in consumer class action litigation, complex commercial litigation, and catastrophic personal injury and products liability matters.

Ms. Casey joined Colson Hicks Eidson after serving as a judicial clerk to United States District Court Judge Marcia G. Cooke. Prior to her clerkship, Ms. Casey practiced in Washington, D.C., at the international law firm of White & Case LLP, where she represented U.S. and international clients in complex antitrust, securities and commercial cases, including class actions, as well as white collar defense matters. Ms. Casey is a member in good standing of the Florida, New York, and District of Columbia Bars. As a native of Rio de Janeiro, Brazil, she speaks Portuguese fluently.

Professional Experience

Colson Hicks Eidson, P.A. (Coral Gables, FL)
Partner (2017–present)
Litigation Associate (2012–2017)

United States District Court for the Southern District of Florida (Miami, FL)
Judicial Clerk to the Honorable Marcia G. Cooke (2011–2012)

White & Case LLP (Washington, DC)
Litigation Associate (2007–2010)

Education

American University, Washington College of Law, J.D. (2007)
Magna cum laude, Order of the Coif, Pro Bono Honors
American University Law Review, Note and Comment Editor

Boston College, B.A. (2003)
Cum laude

Recent Recognitions

Chamber USA Guide, Up and Comer (2023 to present): “Stephanie Casey is a well-regarded litigator with experience spanning commercial disputes, consumer class actions and personal injury claims.”

Best Lawyers in America, Commercial Litigation (2023 to present)

Lawdragon 500, Leading Plaintiff Consumer Lawyers (2022-2024)

Florida Trend’s Florida Legal Elite, Commercial Litigation (2021–present)

Florida Super Lawyers, Business Litigation (2021–present)

Martindale-Hubbell, AV Preeminent Rating (2019–present)

Cystic Fibrosis Foundation, 40 Under 40 Outstanding Lawyers of South Florida (2018)

Recent Civic & Professional Engagements

Florida Foster Care Review, Citizens’ Review Panel Member (2025)

2026 Eleventh Circuit Judicial Conference Planning Committee, Appointed Member (2024–present)

U.S. District Court for the Southern District of Florida Committee for the Southern District of Florida 2025 Bench and Bar Conference, Appointed Member (2024-2025)

U.S. District Court for the Southern District of Florida Committee to Oversee Events Commemorating Jewish American Heritage Month, Appointed Member (2024–present)

U.S. District Court for the Southern District of Florida Ad Hoc Advisory Committee on Court-Annexed Mediation, Appointed Member (2020–present)

U.S. District Court for the Southern District of Florida Committee for the Southern District of Florida 2023 Bench and Bar Conference, Appointed Member (2022–2023)

Federal Bar Association, South Florida Chapter, President (2021-2022) and Board Member (2016–present)

The Florida Bar, Federal Court Practice Committee, Appointed Member (2017–2020)

Adjunct Professor, Florida International University College of Law (2013–2019)

Florida Association for Women Lawyers, Miami-Dade Chapter, Director (2015–2018)

Select Presentations

Mass Torts, MDLs, and Class Action Litigation, Spellman-Hoeveler American Inns of Court Bench and Bar Conference (2022)

Advocating for Access, National Proton Conference of the National Association for Proton Therapy (2021)

ERISA Class Actions, National Proton Conference of the National Association for Proton Therapy (2020)

Managing and Handling the Government Investigation, Spellman-Hoeveler American Inn of Court Bench and Bar Conference (2019)

Obtaining and Admitting Social Media Evidence, Fifth Biennial Southern District of Florida Bench and Bar Conference (2017)

Recent Class Action/Mass Action Experience

The following are recent class actions and multi-district litigations in which Ms. Casey is currently serving, or has served, in a leadership role:

- *Wilson v. Frontier Communications Parent, Inc.*, 24-cv-01418-L (N.D. Tex.): Ms. Casey serves on the Court-appointed Plaintiffs' Executive Committee in this consolidated data breach class action.
- *Crowe v. Managed Care of North America, Inc.*, 23-cv-61065-AHS (S.D. Fla.): Ms. Casey serves as the Court-appointed Plaintiffs' Liaison Counsel, representing a putative class of millions of consumers in this consolidated data breach class action concerning the disclosure of PII and PHI.
- *Prolow v. Aetna Life Insurance Company*, No. 20-cv-80545-KAM (S.D. Fla.): Ms. Casey is co-lead counsel representing a putative class of ERISA insureds under health benefits plans who were denied proton beam radiation therapy for the treatment of prostate cancer.
- *Elder v. Reliance Worldwide Corporation*, No. 20-cv-01596-AT (N.D. Ga.): Ms. Casey served as Court-appointed Co-Lead Class Counsel representing a putative class of consumers of defective water heater connectors through final

approval of the class action settlement and distribution of benefits to class members.

The following are recent class actions and multi-district litigations in which other attorneys at Colson Hicks Eidson are currently serving, or have served, in a leadership role in the past 10 years; Ms. Casey has assisted in developing the merits of several of these matters:

- *In re: Lakeview Loan Servicing Data Breach Litig.*, 22-cv-20955-DPG (S.D. Fla.): Colson Hicks Eidson partner Julie B. Kane serves as Plaintiffs' Liaison Counsel representing a putative class of consumers in data breach action.
- *In re: Mednax Services, Inc., Customer Data Security Brach Litig.*, 21-md-02994-RAR (S.D. Fla.): Colson Hicks Eidson partner Julie B. Kane serves as Plaintiffs' Liaison Counsel representing consumers in data breach action.
- *In re: Allergan Biocell Textured Breast Implant Products Liability Litig.*, No. 19-md-02921-BRM (D. N.J.): Colson Hicks Eidson partner Julie B. Kane serves on the Plaintiffs' Executive Committee representing a putative class of individuals who have been implanted with defective breast implants or tissue expanders that have been recalled.
- *In re: 3M Combat Arms Earplug Products Liability Litig.*, No. 19-md-02885-MCR (N.D. Fla.): Colson Hicks Eidson partner Roberto Martínez serves on the Plaintiffs' Executive Committee managing cases brought by thousands of military service members and veterans injured from their use of defective earplugs.
- *In Re: Monat Hair Care Products Marketing, Sales Practices, and Products Liability Litigation*, No. 18-md-02841-DPG (S.D. Fla.): Colson Hicks Eidson partner Julie B. Kane serves as Lead and Liaison Counsel representing a putative class of purchasers and users of defective hair care products.
- *In re: 21st Century Oncology Customer Data Security Breach Litig.*, No. 16-md-2737-MSS-AEP (M.D. Fla.): Colson Hicks Eidson partner Julie B. Kane served on the Plaintiffs' Steering Committee, representing a class of consumers in a data breach action which involved a significant data breach including identity theft, medical identity theft, and loss of privacy in patients' personal and health information.
- *In re: Takata Airbag Product Liability Litig.*, No. 15-md-02599-FAM (S.D. Fla.): Colson Hicks Eidson partner Curtis Miner serves as Personal Injury Track Lead Counsel representing class of consumers whose cars contain defective airbags subject to the largest safety recall in U.S. history.

EXHIBIT B



Richard T. Collins

Partner

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Services

Audits & Appeals, Disputes & Commercial Payor Litigation, Healthcare, Healthcare Litigation & Dispute Resolution, Healthcare Reimbursement, No Surprises Act & Payor Contracting Issues

Industries

Healthcare Private Equity, Home Health & Hospice, Hospitals & Health Systems

Rich is a partner in the Healthcare practice with more than 25 years of experience representing clients in healthcare litigation. An aggressive advocate, Rich has recovered millions of dollars from insurance companies for his clients across the country.

Dedicated to serving healthcare providers who have been wrongfully denied payment for services and policyholders denied medically necessary treatment, Rich has represented a variety of providers and other professionals in matters involving insurance recovery, business litigation, and administrative and regulatory matters. Additionally, healthcare professionals and organizations often seek Rich's guidance related to operations, regulatory compliance, and transactions.

Rich is committed to enforcing laws to ensure affordable, equitable, and accessible healthcare. In a fight against the nation's opioid epidemic, Rich brought actions under the Drug Dealer Liability Act and common law against those who irresponsibly prescribed, distributed, and dispensed prescription drugs to individuals without a medical necessity. Rich has also represented patients and healthcare providers against insurance companies for violations of state insurance laws and federal laws, including the Patient Protection and Affordable Care Act, Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Employee Retirement Income Security Act of 1974 ("ERISA"), Federal Employees Health Benefits Act of 1959, and others.

Rich actively makes efforts to change the policies and procedures of insurance companies to ensure patients receive optimal healthcare. When insurance companies deny coverage for new treatments that become available due to medical advancements, such as proton beam radiation therapy for the treatment of cancer, Rich has filed class action lawsuits to hold these companies accountable.

Rich previously worked for a national insurance company and represented insurance companies at the beginning of his legal career. He now leverages his experience on both sides of the aisle to provide his clients with unparalleled knowledge of the ins and outs of handling insurance cases.

Due to the significant nature of the healthcare and prescription drug matters he handles, Rich has been featured in stories by ABC, CBS, CNN, NBC, the *Los Angeles Times*, the *Boston Globe*, the *Star Tribune*, NowThis News, and other media outlets.

Recognition

- *Best Lawyers in America®*, Insurance Law, 2021-25
 - "Lawyer of the Year," Insurance Law, 2023
- California *Super Lawyers*, 2015-23

Organizations

- American Bar Association
- Orange County Bar Association
 - Healthcare Law Section
 - Insurance Law Section
- State Bar of California

Education

- Whittier Law School, Juris Doctor
- University of California, Bachelor of Arts - Political Science

Bar Admissions

- District of Columbia
- State of California

Court Admissions

- U.S. District Court for the Southern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of California
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Ninth Circuit



Landen P. Benson

Associate

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Services

Antitrust & Competition Law, Disputes & Commercial Payor Litigation, Employment Disputes, ERISA, False Claims Act & Government Investigation Defense, Government Investigations, Healthcare, Healthcare Litigation & Dispute Resolution, Healthcare Reimbursement, International Arbitration, Litigation & Dispute Resolution, White Collar Crime

Industries

Hospitals & Health Systems

Landen is an associate in the Healthcare and Litigation & Dispute Resolution practices and a member of the Hospitals & Health Systems industry team.

Landen has represented a range of clients on both the plaintiff and defense sides. He has experience in white-collar crime defense and government investigations involving antitrust issues and fraud allegations, specifically with a focus on healthcare fraud. He represents healthcare clients in matters related to litigation, government investigations, regulatory compliance, alternative dispute resolution, and administrative disputes. Landen defends providers in False Claims Act (whistleblower) cases and investigations nationally. On the plaintiff side, Landen represents healthcare providers and patients against insurance companies on plan coverage, benefits, and reimbursement-related matters in complex multi-district litigation and class-action suits across the country. He has also helped healthcare providers bring suit to recover millions of dollars in government funding owed to them through programs such as the Provider Relief Fund.

While earning his J.D. from the Washington and Lee University School of Law, Landen served as a judicial intern for the Honorable Jeffery W. Cavender in the U.S. Bankruptcy Court for the Northern District of Georgia and as a judicial extern for the Honorable Joel R. Branscom, Chief Judge of Virginia's 25th Judicial Circuit. He also served as a summer associate for AGG, working on an array of litigation and transactional matters. Previously, he received his undergraduate degrees in political science and international affairs with a minor in German language and culture from the University of Georgia.

Landen bolsters his legal practice with a varied experience background, having previously worked in wildlife and land conservation and the commercial construction industry, as well as in politics as a campaign and office intern for a former member of the Georgia House of Representatives and candidate for the U.S. Senate. He is currently a

member of the Anti-Defamation League, Southeast Jurisprudence Committee, and is an avid outdoorsman and conservationist.

Representative Experience

- Represents dozens of healthcare providers in multiple consolidated actions against major payors in federal courts across the country including California and Arizona.
- Represents patients in putative class actions against major payors in federal court involving wrongful denial of proton beam radiation treatment for cancer patients.
- Represented a hospital system in New Mexico that successfully brought action against the United States in federal court to obtain millions of dollars in additional funds owed to hospital through government program.
- Represented international software company based in Spain in an action brought in federal court to enforce an arbitration award rendered by the International Chamber of Commerce and successfully obtained multimillion-dollar judgment in favor of client.
- Defended entities subject to False Claims Act and Paycheck Protection Program fraud investigations by the Department of Justice.

Recognition

- *Best Lawyers: Ones to Watch in America®*, Health Care Law, 2024-25

Organizations

- Anti-Defamation League, Southeast Jurisprudence Committee
- American Health Lawyers Association
- Atlanta Bar Association, Litigation Section
- Washington and Lee University School of Law Young Alumni Council

Education

- Washington and Lee University School of Law, Juris Doctor
 - Student Bar Association, Class President
 - University Student Advisory Panel
 - Lewis Powell Lecture Board
 - *German Law Journal*, Lead Articles Editor
- University of Georgia, Bachelor of Arts — Political Science, International Affairs, *cum laude*
 - Presidential Leadership Scholarship Recipient

Bar Admissions

- State of Georgia

Court Admissions

- United States District Court for the Northern District of Georgia
- Supreme Court of Georgia
- Court of Appeals of Georgia

EXHIBIT C



class action litigation agency associations &

Litigators and community leaders protecting your most valuable assets in high-stakes cases.



Class Actions & Contingency

Since its founding in 1982, Kozyak Tropin & Throckmorton has played a leading role in some of the most significant class actions in the nation. KTT and its attorneys consistently rank among the most highly regarded litigators not only locally but also on the national stage – receiving praise from clients, judges, opponents, and professional journals – for effectiveness in and out of the courtroom. It is the only Chambers and Partners Band One-rated law firm in the State of Florida in both litigation and bankruptcy. According to Chambers, our firm's Class Actions & Contingency Practice Group is considered "a go-to practice for large-scale class actions and also noted for its expert counsel in litigation concerning Ponzi schemes."

Law360 named KTT's 31-lawyer firm a 2023 Florida Powerhouse – a list typically populated by national law firms with hundreds of attorneys across the country. This coveted award cannot be purchased and must be earned based on quantifiable results.



KOZYAK TROPIN
THROCKMORTON

CLASS ACTIONS & CONTINGENCY

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A PROVEN TRACK RECORD OF IMPACT AND INFLUENCE



KTT's Class Actions & Contingency department represents individuals and businesses as plaintiffs in high-value business torts, class actions, mass tort matters, and multidistrict litigation. We focus on "bet-the-company" cases, typically against parties represented by larger, national law firms. For the last forty years, this department has played a leading role in significant class actions and complex litigation across the country, working collaboratively with attorneys nationwide.

In re: Champlain Towers South Collapse Litigation

KTT recently served as the court-appointed Co-Chair Lead Counsel in *In re: Champlain Towers South Collapse Litigation*, No. 2021-015089-CA-01, in Miami-Dade County Circuit Court.

In this leadership role, KTT was tasked with the supervision and leadership of nearly every prominent plaintiffs' firm in South Florida, and many others from around the country, in managing the litigation stemming from the tragic Champlain Towers South building collapse in Surfside, Florida. In less than 15 months, the KTT-led plaintiffs secured over \$1.1 billion in relief for the victims.

OUR CLASS ACTION FOCUS

While our class action focus is on the healthcare, insurance, automotive, banking, and pharmaceutical industries, we also handle antitrust, RICO, consumer products, and construction class actions. Of particular note, both past and present, is KTT's outsized involvement in matters related to financial and securities fraud, both on an individual, group, and class basis. For example, KTT represented 70% of the

victims of the \$1.2 billion Scott Rothstein South Florida Ponzi scheme, leading to a nearly 100% recovery of the victims' \$250 million in losses.

And more recently, KTT secured approximately \$200 million dollars from Raymond James and others on behalf of EB-5 immigrant investors in the Jay Peak scheme that misappropriated more than \$350 million in investor funds.

Our litigation on behalf of the victims of fraud, with a specialty in financial fraud and securities, has placed our firm in a leading role in virtually every large securities and Ponzi scheme case in South Florida over the last thirty years, and many similar cases around the country.

While our historical successes have laid the groundwork for KTT's trajectory, the current generation of attorneys have raised KTT's profile in the MDL context, securing leadership appointments locally and nationally in high-profile matters, and maintaining the level of excellence for which KTT is known.

Recent Examples of KTT's Class Action & Contingency Accomplishments:

In re: Insulin Pricing Litigation, MDL No. 3080

KTT is at the forefront of litigating against the three largest insulin manufacturers and three largest pharmacy benefit managers in the United States for a conspiracy to artificially inflate the price of diabetes medications.

These defendants have concealed secret payments and artificially inflated the price of insulin to overcharge millions of Americans and government entities over the past 10+ years. KTT is co-lead counsel for several cases already in this nationwide multidistrict litigation.

In re: Apartment Rental Software Antitrust Litigation ("RealPage"), MDL No. 3071

KTT was recently appointed by Chief Judge Crenshaw to the Plaintiffs' Steering Committee in this nationwide multidistrict litigation matter against RealPage, an integrated technology platform that provides various software for use in apartment rental markets, including by numerous property managers and lessors of multi-family residential apartment buildings and student housing.

The complaint alleges that RealPage violated the antitrust laws through the use of RealPage's software to control the pricing and supply of such housing.

In re: Managed Care HMO Litigation, MDL No. 1334

KTT served as Co-Lead Counsel in the *In re Managed Care HMO Litigation*, MDL No. 1334, a multidistrict litigation in which medical societies and several hundred thousand physicians sued Aetna, Cigna, Humana, and other managed care organizations for monetary and structural relief.

Successfully certified as a RICO class action, this case – along with a second, equally challenging action against the Blue Cross entities – was settled for hundreds of millions of dollars in monetary relief, and also provided structured relief to physicians valued at well over a billion dollars.

In re: Woodbridge Investments Litigation, No. 18-cv-00103

KTT was appointed to the Executive Committee in this nationwide class action on behalf of investors in a purported Ponzi scheme.

The complaint alleged that Comerica Bank aided and abetted a Ponzi scheme fraud perpetuated by the Woodbridge Group of Companies and their CEO, Robert Shapiro, who induced class members into investing in various real estate investments that did not exist.

KTT served a leading role in securing the nationwide class settlement, resulting in a monetary recovery of over \$54 million to the investor class.

In re: Blue Cross Blue Shield Antitrust Litigation, MDL No. 2406

KTT attorneys serve on several committee positions in this antitrust class action currently being litigated in the Northern District of Alabama in which the plaintiffs have alleged a violation of the antitrust laws by defendants through their agreement not to compete with each other and to limit competition among themselves in selling health insurance and administrative services for health insurance.



***In re: Elmiron (Pentosan Polysulfate Sodium)
Products Liability Litigation, MDL No. 2973***

KTT represents dozens of plaintiffs who, after having taken Elmiron for several years to treat their interstitial cystitis related symptoms, learned that Elmiron is the cause of their eye damage, vision loss and impairment, and other related injuries.

Rothstein Ponzi Scheme Litigation

In litigation arising from a \$1.2 billion Ponzi scheme perpetrated by a Fort Lauderdale lawyer, KTT represented a group of approximately 70% of the individual investors. KTT successfully recovered all of our clients' losses, plus attorneys' fees.

Jay Peak EB-5 Ponzi Scheme Litigation

In two separate federal proceedings, Daccache v. Raymond James & Associates, Inc., et al., Case No. 16-cv-21575 (S.D. Fla.) and Almasood Qureshi, et al. v. People's United Financial, Inc., et al., Case No. 18-cv-00163 (D. Vt.), KTT represented classes of defrauded investors, duped into a false real estate development scheme. In cooperation with the court-appointed receiver, KTT recovered \$150 million from Raymond James Financial—and millions of dollars from other institutions and law firms—to restore our clients' losses.



The above list encompasses just a few of KTT's litigation prowess. A few more examples of our successful work includes 1) the historic \$1.1 billion settlement in the Surfside building collapse litigation, 2) the top jury verdict in the state of Florida in a torts matter (and a top 20 jury verdict in the country), and 3) a full defense verdict in a high-profile matter in which KTT prevailed in a \$20 million dispute against the Boies Schiller Film Group.

In sum, KTT is one of the nation's premier class action and contingency firms. The firm is well-regarded nationally, and particularly in the Southern District of Florida, and as a result has received numerous appointments as lead counsel in class actions both within and outside the District.

FORCE-PLACED INSURANCE

KT^T investigated and litigated 26 separate nationwide class actions in federal court against the largest insurers and banks/mortgage servicers in the country related to force-placed charges.

Nineteen class cases were resolved and approved by various federal courts, providing billions of dollars of monetary and injunctive relief for over 4 million class members nationwide.

KT^T originated the cases and served as Co-Lead counsel in all.

A blue-tinted photograph showing an office environment. Several people are seated at their desks, working on computers. The office has large windows in the background. In the foreground, there is a large, semi-transparent graphic element consisting of several curved, overlapping white lines.

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Additional Representative Receiver & Trustee Cases

- KTT served as counsel for the receiver or bankruptcy trustee in many recovery actions, including the Lancer Ponzi scheme, the Commodities Online matter, and the Cyprus Funds case, in which we achieved tens of millions of dollars of recoveries for our clients.
- KTT recovered more than 60% of the victim losses in the Premium Sales Corporation matter, then the largest Ponzi scheme in South Florida history, repaying defrauded investors approximately \$160 million.
- KTT serves as receiver and counsel in the MJ Capital receivership, in an SEC case involving a \$200 million Ponzi scheme. KTT has recovered millions for victims and addressed over 14,000 filed claims.
- KTT serves as receiver and counsel in the Location Ventures receivership, in an SEC case filed against Rishi Kapoor and over 20 companies alleging over \$93 million improperly raised for real estate investments. KTT has administered over \$40 million in real property.
- KTT served as counsel for the trustee in the Mutual Benefits matter. The trustee has distributed over \$500 million to thousands of investors.



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EXHIBIT D



ABOUT KANTOR & KANTOR LLP

Kantor & Kantor is a law firm specializing in nationwide employee benefit and insurance litigation under ERISA and state law, including cases involving retirement, disability, health, and life insurance benefits. The firm was ranked first in U.S. News’ “Best Lawyers--Best Law Firms” for its legal advocacy in ERISA litigation in 2020, 2021 and 2022. The attorneys of Kantor & Kantor have unsurpassed experience in the ERISA field and have helped tens of thousands of participants in both individual and complex class actions obtain millions of dollars of benefits to which they are entitled and ensure the proper management and administration of their employee benefits plans.

Kantor & Kantor attorneys are currently litigating three important putative class actions on behalf of ERISA plan participants across the country, including (in addition to the putative class actions noted in Attorney Hopkins’ Biography below):

- ***Molly C. v. Oxford Health Insurance***, Case No. 1:22-CV-10144-PGG (S.D.N.Y.) (putative class action challenging exclusion of nutritional counseling for eating disorder patients under mental health parity provisions of ERISA).
- ***Greenwell v. Group Health Plan for Employees of Sensus USA Inc.***, Case no 5:19-CV- 577-FL (E.D.N.C.) (putative class action of all ERISA plan participants and beneficiaries of ERISA plans administered by Blue Cross in North Carolina alleging improper denial of proton beam radiation therapy).
- ***Weissman v. United Healthcare Ins. Co.***, Civil Action No. 19-cv-10580 (D. Mass.) (putative class action alleging improper administration of ERISA healthcare plans with regard to proton beam radiation therapy).

The firm has obtained favorable results in many other complex class actions, including:

- ***Bailey v. Anthem Blue Cross Life & Health Insurance Company***, Case No. 4:16-cv-04439 (N.D. Ca.) (successful ERISA class action challenging Anthem’s failure to pay for medically necessary treatment for eating disorders that settled with qualifying class members eligible for either reprocessing of their claims or a set payment).
- ***Rea v. Blue Shield of California***, No. BC 468900 (Los Angeles County Superior Court) (state court class action successfully challenging Blue Shield’s exclusion for residential treatment for eating disorders under California Mental Health Parity law that settled for reprocessing of claims).
- ***Ames v. Anthem Blue Cross Life & Health Insurance Company***, No. BC591623 (Los Angeles County Superior Court) (state court class action successfully challenging Anthem’s failure to pay for certain substance abuse treatment claims and settling for either reprocessing of these claims or a set payment).

- *Kerr v. Kaiser Foundation Health Plan, Inc.*, No. BC556863 (Los Angeles County Superior Court) (State court class action challenging Kaiser's practice of cancelling class members' health care coverage to gain admission to a locked residential psychiatric facility. Settled as a class action with Kaiser issuing notices to Kaiser employees regarding coverage for locked residential psychiatric facilities and how Kaiser member in LPS conservatorships should be transferred to those facilities. In addition, qualifying class members whose coverage was cancelled could reenroll in a Kaiser health care plan.)
- *Gottlieb v. Conseco Senior Health Ins. Co.*, No. CV-11-02203, 2013 WL 12125742 (C.D. Ca. Mar. 12, 2013) (certifying class and approving class action settlement imposing permanent injunction on insurance company with respect to coverage of long-term care).
- *Sherman v. Allstate Ins. Co.*, No. BC 187659 (Los Angeles County Superior Court) (class action against Allstate that settled for reprocessing of the insurance claims of 2,300 homeowners following the Northridge earthquake and led to the recovery of over \$100,000,000).

Attorneys at Kantor & Kantor have successfully briefed ERISA cases in the Supreme Court and in every federal court of appeals, as well as numerous federal district and state courts, in cases such as: *Intel Corporation Investment Policy Committee v. Sulyma*, 140 S. Ct. 768 (2020); *Gobeille v. Liberty Mutual Life Ins. Co.*, 577 U.S. 312 (2016); *Fifth Third Bankcorp v. Dudenhoeffer*, 573 U.S. 409 (2014); *MetLife v. Glenn*, 554 U.S. 105 (2008); *LaRue v. DeWolff, Boberg & Assoc.*, 552 U.S. 248 (2008); *Rush Prudential HMO, Inc. v. Moran*, 536 U.S. 355 (2002); *Osberg v. Foot Locker*, 862 F.3d 198 (2d Cir. 2017); *Milofsky v. Am. Airlines*, 442 F.3d 311 (5th Cir. 2006) (en banc); and *In re Enron Corp. Securities, Derivative ERISA Litig.*, 284 F. Supp. 2d 511 (S.D. Tex. 2003). Indeed, Kantor & Kantor has represented plaintiffs in many seminal ERISA cases, such as: *Ariana M. v. Humana Health Plan of Texas*, 884 F.3d 246 (5th Cir. 2018) (en banc); *Harlick v. Blue Shield of California*, 656 F.3d 832 (9th Cir. 2011); and *Collier v. Lincoln Life Assurance Co. of Boston* (9th Cir. 2022).

Kantor & Kantor attorneys are regular contributors to employee benefits treatises, journals and other legal resources including the American Bar Association *Employee Benefits Law*, ABA newsletters, Law360, and are regular speakers at ERISA and other conferences across the country. The firm produces a widely distributed and frequently quoted weekly newsletter, *ERISA Watch*, that analyzes every ERISA decision issued that week.

